

REMARKS

1. Claims 4-6 are objected to under 37 CFR §1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternative only, and/or cannot depend from any other multiple dependent claim. Applicants respectfully disagree.

The Examiner contends that support for this objection is in MPEP §608.01(n). However, it should be noted that MPEP §608.01(n) lists several specific examples of acceptable multiple dependent claim formats in a subsection labeled “*A. Acceptable Multiple Dependent Claim Wording.*” One of the specifically-listed examples of acceptable language in that subsection is:

“Claim 5. A gadget as in any one of the preceding claims, in which ---“

It is submitted that claim 4 as originally filed is nearly identical in wording to the example above of an acceptably-worded multiple dependent claim. Thus, it is submitted that claim 4 as originally presented is in proper form. Therefore, it is respectfully requested that the objection to claims 4-6 is now moot and should be removed, and that claims 4-6 are in condition for allowance and should be passed to issuance.

2-3. Claims 1-2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,890,640 (hereinafter referred to as “Thompson”). Applicants respectfully disagree.

Specifically, Applicants respectfully disagree with the Examiner’s statement on page 3 of the Office Action that the tensioning means 56, 58 in Thompson are secured between each flexible rod 26, 28 at or adjacent the end of the flexible rod 26, 28 and the adjacent portion of the hip belt 52, 54. In Thompson, the tensioning means 56, 58 extend between the corresponding pack shoulder straps 16, 18 and the upper end 68 of each of the resilient rods 26, 28. See column 3, line 51 to column 4, line 6; and column 6, lines 16-20. There is no disclosure in Thompson of the tensioning means 56, 58 being secured between each flexible rod at or adjacent the end of the corresponding flexible rod 26, 28 and an adjacent corresponding portion of the hip belt 52, 54. Indeed, in Thompson, the lower end of each flexible rod 26, 28 actually enters the corresponding portion of the hip belt 52, 54. As a result, the only way in which the lower ends of the flexible rods 26, 28 can be flexed to a

greater or lesser extent is by tightening or slackening the hip belt 52, 54. See column 6, lines 45-48 of Thompson.

It will be appreciated that this construction in Thompson has a significant drawback compared to the present invention, in that a wearer of the pack of Thompson can only tighten or slacken a hip belt a certain amount if the hip belt is to be effective at all. A hip belt which is too tight will be extremely uncomfortable and make walking impossible, whereas a hip belt which is too loose will not transfer load efficiently. Thus, in practice it often is desirable to be able to alter the amount of load transfer to the hip belt without actually tightening or slackening the hip belt, and it is this problem which the present claimed invention is designed to overcome. Therefore, Thompson is incapable of anticipating claim 1.

Notwithstanding the foregoing, Applicants have amended claim 1 slightly herein to specify the feature of *“and wherein tensioning means are secured between each flexible rod at or adjacent the lower end of said flexible rod, and an adjacent portion of the hip belt.”* (emphasis added, claim 1). That is, the amended claim language more clearly points out that it is the lower end of the flexible rod where the tensioning means is secured between the hip belt and the rod. This feature is certainly not disclosed or suggested in Thompson. Instead, Thompson clearly discloses that the tensioning means is located in the vicinity of the upper end of the flexible rod.

In addition, Applicants disagree with the Examiner's statements on page 3 of the Office Action in which the pack arrangement disclosed in Thompson is allegedly such that movement of the flexible rods 26, 28 by means of tensioning the hip belt 52, 54 tends to lift the frame 24 and the pack 10, thereby decreasing the load on the shoulder harness 16, 18 and increasing the loading on the hip belt 52, 54. For this assertion, the Examiner relies on the disclosure in column 6, lines 51-54 of Thompson. However, it is respectfully submitted that no such effect is described in Thompson, particularly at the attributed locations therein. Specifically, tightening the hip belt 52, 54 in Thompson will not tend to lift the frame. Instead, it is adjustment of the load lift straps 56, 58 which will lift the frame 24 and the pack 10, as described in column 6, lines 51-54. Thus, Thompson is incapable of anticipating amended claim 1.

In light of the foregoing, it is respectfully requested that the anticipation rejection of amended claim 1 is now moot and should be removed, and that amended claim 1 is in condition for allowance and should be passed to issuance.

With regard to the Examiner's comments on page 3 of the Office Action with respect to claim 2 of the present application, Applicants respectfully disagree that Thompson discloses a frame 24 as a skeleton frame made of rod, and further disagree with the Examiner's interpretation of the drawings. Specifically, the references which the Examiner attributes to the rod (34, 64a and 64b) are incorrect: reference 34 actually refers to the left side of the pack, while the references 64a and b refer to the fold recesses, which are grooves formed in the elastomeric pad 24. See column 4, line 50 *et seq.* for a description of these recesses. Such grooves formed in an elastomeric pad can in no way be construed to anticipate a skeleton frame made of rod or bar, as recited in claim 2. Thus, Thompson is incapable of anticipating claim 2.

As such, it is respectfully requested that the anticipation rejection of claim 2 is improper, and that claim 2 is in condition for allowance and should be passed to issuance.

4-5. Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson, in view of European Patent No. 0518485 (hereinafter referred to as "Parsons"). Applicants respectfully disagree.

Nevertheless, as claim 3 ultimately depends from claim 1, which is patentable for at least the reasons set forth above, it is respectfully submitted that the obviousness rejection of claim 3 is now moot and should be removed, and that claim 3 is in condition for allowance and should be passed to issuance.

As applicants have traversed each rejection and objection raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1-6, and pass the present application on to issuance. No fee is believed to be due with the present response. In the event a fee is due, however, please charge our Deposit Order Account No. 50-3381.

Respectfully submitted,

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